

09/070,629

**TELEFACSIMILE LETTER
FROM****JONES DAY**222 East 41st Street

New York, NY 10017

Telephone Number (212) 326-3939

Fax Nos.: (212) 755-7306

TO: Examiner Laurie A. Scheiner
Commissioner For Patents
Alexandria, Virginia 22313-1450

FAX NO.: 1-703-746-4272

FROM: Jennifer J. Chheda

PAGES: 9 + Cover Sheet

DATE: December 22, 2004

Application of: Palese, et al.

Serial No. 09/070,629

Filed: April 30, 1998

For: RECOMBINANT INFLUENZA VIRUSES EXPRESSING TUMOR-
ASSOCIATED ANTIGENS AS ANTITUMOR AGENTS

Attorney Docket No.: 6923-071-999

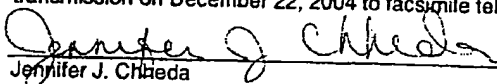
Please see the attached documents transmitted herewith for filing:

1. Communication regarding Declaration;
2. Executed Declaration and Power of Attorney (2 counterparts); and
3. Post Card receipt stamped by the United States Patent and Trademark Office on December 7, 1998.

If you have any problems, please telephone the sender Dolly Waters at (212) 326-3809 or Jennifer J. Chheda at (212) 326-3886.

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8(a)

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on December 22, 2004 to facsimile telephone number (703) 746-4272.


Jennifer J. Chheda

46,617

(Reg. No.)

VIA TELEFACSIMILE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese et al.

Confirmation No. 4644

Serial No.: 09/070,629

Group Art Unit: 1648

Filed: April 30, 1998

Examiner: Scheiner, Laurie A.

For: RECOMBINANT INFLUENZA VIRUSES
EXPRESSING TUMOR-ASSOCIATED
ANTIGEN AS ANTITUMOR AGENTS

Attorney Docket No.: 6923-071-999

COMMUNICATION REGARDING DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450


Sir:

In response to a telephone call from Patricia Small in the Office of Patent Publication at the United States Patent and Trademark Office ("USPTO"), Applicants' representatives are attaching a copy of the executed Declaration and Power of Attorney ("Declaration") filed on December 7, 1998 in the USPTO in connection with the above-identified application.

As evidence that the Declaration was filed and received by the USPTO on December 7, 1998, attached is a copy of the postcard that accompanied the Declaration, which was stamped received by the USPTO on December 7, 1998 and returned to the Applicants' representative.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on December 22, 2004 to facsimile telephone number (703) 746-4272.


Jennifer J. Chheda

46,617
(Reg. No.)

	1	NYJD: 1557573.1
--	---	-----------------

It is believed that there is no fee required for filing this communication, since the communication arises as a result of an error by the USPTO. However, if payment of a fee is required, please charge the required fee to Jones Day Deposit Account 50-3013. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date December 22, 2004

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
Jones Day
222 East 44th Street
New York, N.Y. 10017
(212) 326-3939

By: Jennifer J. Chedea
Reg No. 46,617

VIA TELEFACSIMILE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Palese et al.

Confirmation No. 4644

Serial No.: 09/070,629

Group Art Unit: 1648

Filed: April 30, 1998

Examiner: Scheiner, Laurie A.

For: RECOMBINANT INFLUENZA VIRUSES
EXPRESSING TUMOR-ASSOCIATED
ANTIGEN AS ANTITUMOR AGENTS

Attorney Docket No.: 6923-071-999

COMMUNICATION REGARDING DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

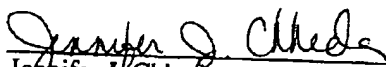
Sir:

In response to a telephone call from Patricia Small in the Office of Patent Publication at the United States Patent and Trademark Office ("USPTO"), Applicants' representatives are attaching a copy of the executed Declaration and Power of Attorney ("Declaration") filed on December 7, 1998 in the USPTO in connection with the above-identified application.

As evidence that the Declaration was filed and received by the USPTO on December 7, 1998, attached is a copy of the postcard that accompanied the Declaration, which was stamped received by the USPTO on December 7, 1998 and returned to the Applicants' representative.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with the United States Patent and Trademark Office by facsimile transmission on December 22, 2004 to facsimile telephone number (703) 746-4272.


Jennifer J. Chheda

46,617
(Reg. No.)

	1	NYJD: 1557573.1
--	---	-----------------

It is believed that there is no fee required for filing this communication, since the communication arises as a result of an error by the USPTO. However, if payment of a fee is required, please charge the required fee to Jones Day Deposit Account 50-3013. A copy of this sheet is enclosed for accounting purposes.

Respectfully submitted,

Date December 22, 2004

Laura A. Coruzzi 30,742
Laura A. Coruzzi (Reg. No.)
Jones Day
222 East 44th Street
New York, N.Y. 10017
(212) 326-3939

By: Jennifer J. Chedler
Reg No. 46,617

PENNIE & EDMONDS LLP DOCKET NO. 6923-071-999

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

RECOMBINANT INFLUENZA VIRUSES EXPRESSING TUMOR-ASSOCIATED ANTIGENS AS ANTITUMOR AGENTS

and for which a patent application:

- ☐ is attached hereto and includes amendment(s) filed on _____ (if applicable)
- ☐ was filed in the United States on _____ as Application No. _____ (for declaration not accompanying application)
- ☐ with amendment(s) filed on _____ (if applicable)
- ☐ was filed as PCT international Application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE
60/045,176	April 30, 1997

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Marmack (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Torzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), Marcia H. Sundeen (Reg. No. 30893), Paul J. Zegger (Reg. No. 33821), Edmond R. Bannon (Reg. No. 32110), Bruce J. Barker (Reg. No. 33291), Adriane M. Aniler (Reg. No. 32605), Thomas G. Rowan (Reg. No. 34419), Ann L. Gisolfi (Reg. No. 31956), Mark A. Farley (Reg. No. 33170), and James G. Markey (Reg. No. 31636), all of Pennie & Edmonds LLP, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 3300 Hillview Avenue, Palo Alto, CA 94304, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

DEC-04-98 14:36 From: SURGERY BRANCH

3014960011

T-727 P 02/03 Job-414

P.03

R-663

Job-408

DEC 04 '98 13:03 FR PENNIE EDMOND

TO 13014960011

P.03

PENNIE & EDMONDS ω DOCKET NO. 6923-071-999

SEND CORRESPONDENCE TO: PENNIE & EDMONDS ω 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS ω DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME Palacio	FIRST NAME Percy	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Lodi	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 414 Highwood Avenue	CITY Lodi	STATE OR COUNTRY New Jersey	ZIP CODE 07605
202	FULL NAME OF INVENTOR	LAST NAME Garcia-Sastre	FIRST NAME Adolfo	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 16 East 96th Street, Apt. 30	CITY New York	STATE OR COUNTRY NY	ZIP CODE 10128
203	FULL NAME OF INVENTOR	LAST NAME Restifo	FIRST NAME Nicholas	MIDDLE NAME P.	
	RESIDENCE & CITIZENSHIP	CITY Washington, D.C.	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET 3519 17th St	CITY Washington DC	STATE OR COUNTRY	ZIP CODE 20010
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1	SIGNATURE OF INVENTOR 2	SIGNATURE OF INVENTOR 3
DATE	DATE	DATE
SIGNATURE OF INVENTOR 4	SIGNATURE OF INVENTOR 5	SIGNATURE OF INVENTOR 6
DATE	DATE	DATE

(2)

PENNY-69751.1

** TOTAL PAGE.003 **

DEC 04 '98 14:28

3014960011 PAGE.001

12-04-1998 04:16PM FROM

TO

8699741 P.02

FENNIE & EDMONDS vs DOCKET NO. 6825-071-999

SEND CORRESPONDENCE TO: FENNIE & EDMONDS vs 1153 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-3711				DIRECT TELEPHONE CALLS TO: FENNIE & EDMONDS vs DOCKETING (212) 790-2803	
201	FULL NAME OF INVENTOR	LAST NAME Peters	FIRST NAME Peter	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Lecoris	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 414 Highwood Avenue	CITY Lecoris	STATE OR COUNTRY New Jersey	ZIP CODE 07605
202	FULL NAME OF INVENTOR	LAST NAME Garza-Sastre	FIRST NAME Adolfo	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY New York	STATE OR FOREIGN COUNTRY New York	COUNTRY OF CITIZENSHIP U.S.A.	
	POST OFFICE ADDRESS	STREET 16 East 96th Street, Apt. 3G	CITY New York	STATE OR COUNTRY NY	ZIP CODE 10128
203	FULL NAME OF INVENTOR	LAST NAME Racib	FIRST NAME Nicholas	MIDDLE NAME P.	
	RESIDENCE & CITIZENSHIP	CITY Washington, D.C.	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by law or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201	SIGNATURE OF INVENTOR 202	SIGNATURE OF INVENTOR 203
DATE 12/4/98	DATE 12/4/98	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

(2)

PENTAPYRA (

** TOTAL PAGE.003 **

DEC 04 '98 16:20

TOTAL P.02
PAGE.002

Express Mail No. EL 168 275 859 US First Class Mail ()
 Date Mailed December 7, 1998
 Ser. No. 09/070,629 Filed April 30, 1998
 Inventor Peter Palese et al.
 For RECOMBINANT INFLUENZA VIRUSES EXPRESSING TUMOR-ASSOCIATED
ANTIGENS AS ANTITUMOR AGENTS

- () Affidavit/Declaration
 () Amendment
 () Application Pages
 () Claims Drawings
 () Appeal, Notice of
 () Assignment
 () Brief (in triplicate)
 (X) Declaration & Power of Attorney
 () Design Application
 () Disclaimer
 () Disclosure Statement
 () w/refs. () w/o refs.
 () Drawings Formal
Sheets Figures



- () Fee Address Indication Form
 () Fee Calculation
 () Issue Fee Transmittal
 () Letter
 () Oral Hearing Req./Confirm
 (X) Petition to Extend Time (in dupl.)
 () Pet. under 37 C.F.R.
 () Power of Attorney
Associate w/Revocation
 () Sequence Listing w/Computer
 Readable and Paper Copies
 () Small Entity Statement
 () Status Letter
 () Transmittal Letter

Request for Correction of Filing Receipt (in dupl) with orig.
 Other: and one copy of filing receipt attached; Response to Notice to
File Missing Parts (in dupl.) with copy of Notice attached.
 File No. 6923-071 Sender: LAC/JZB